

REMARKS

This Amendment is being filed in response to the Office Action mailed on February 6, 2009 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-8 remain in this application, where claims 5-8 have been added by the present amendment. Claims 1 and 3 are independent.

In the Office Action, claims 1 and 3 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,151,286 (Inoue). Further, claims 2 and 4 are rejected under 35 U.S.C. §103(a) over Inoue in view of U.S. Patent No. 6,198,708 (Suzuki). Applicants respectfully traverse and submit that claims 1-8, as amended, are patentable over Inoue and Suzuki for at least the following reasons.

Inoue is directed to a dubbing system where compressed music programs stored in a server. A client selects a desired one of the music programs which is transferred in a compressed state to the

client for dubbing on a recording medium. The compressed music program is expanded and monitored on the client side so that the client can check to see that the music program is the desired one. As recited on column 12, lines 40-47, a TOC0 information command (TOC0inf) specifies the information recorded in a User Table of Content (U-TOC) sector 0 of the optical disc D. "On reception of the TOC0 information command (TOC0inf) and the information on the track size and track mode next to the command, the recording unit 20 finds the recorded start and end addresses of the ATRAC data from the track size to record the TOC data in the U-TOC." (Column 12, lines 42-47; emphasis added) Assuming, arguendo, that finding the recorded start and end addresses and recoding TOC data in the U-TOC are equivalent to updating the disc recorded area indicator, such finding and recording is performed in response to "the TOC0 information [which] is inherently generated by the recording unit 20 itself." (Column 12, lines 49-50; emphasis added)

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 3, amongst other patentable elements recites (illustrative emphasis provided):

wherein the processor is operative to perform an update of a recorded area indicator on the write once recording medium in response to an update command provided by a user of the recorder.

An update command provided by a user of the recorder, to update the recorded area indicator on the write once recording medium, is nowhere discloses or suggested in Inoue. Rather, Inoue specifically discloses that "the TOC0 information is inherently generated by the recording unit 20 itself." (Column 12, lines 49-50) Suzuki cited to allegedly show other features and do not remedy the deficiencies in Inoue.


Accordingly, it is respectfully requested that independent claims 1 and 3 be allowed. In addition, it is respectfully submitted that claims 2 and 4-8 should also be allowed at least based on their dependence from independent claims 1 and 3 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to

submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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May 4, 2009

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